



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 10 2012

Jim Puckett  
Executive Director  
Basel Action Network  
206 First Avenue S., Suite 410  
Seattle, Washington 98140

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

David A. Scott  
Vice President  
Sierra Club  
85 Second Street, Second Floor  
San Francisco, CA 94105

Emily Jeffers  
Staff Attorney, Oceans Program  
Center for Biological Diversity  
351 California St., Suite 600  
San Francisco, CA 94104

Dear Sirs and Madame:

The U.S. Environmental Protection Agency (EPA) has completed its review of the request for action under the Toxic Substances Control Act (TSCA) filed by the Basel Action Network, Sierra Club, and the Center for Biological Diversity, dated April 11, 2012, and referenced as "Petition to Protect Human Health and the Environment from Risks Associated with the Navy's Sinking Exercise Program (SINKEX)." You request that the EPA amend the existing Marine Protection, Research and Sanctuaries Act (MPRSA) general permit for SINKEX or, in the alternative, enact rules under TSCA:

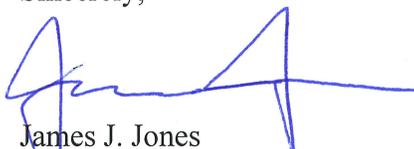
1. Effective immediately, requiring all PCB-contaminated materials in concentrations of 50 parts per million or greater to be removed from SINKEX vessels prior to sinking;
2. Requiring all PCB-contaminated materials in concentrations of less than 50 parts per million to be removed from SINKEX vessels prior to sinking to the maximum extent practicable; and
3. Requiring additional studies to determine whether PCB contaminated materials in concentrations of less than 50 parts per million constitute "trace" contaminants, such that their dumping will not cause undesirable effects including the possibility of bioaccumulation. Such additional studies should include the most recent data on the toxicity, persistence, and bioaccumulation of PCBs and should include monitoring at multiple recent sink sites. Studies should also assess the releases of other potentially hazardous pollutants into the marine environment from the SINKEX program including heavy metals, asbestos and radioactive substances.

After careful review, the EPA has determined that the requested TSCA regulations are not warranted at this time, and that the MPRSA provides sufficient authority to address the risks to human

health and the environment from PCBs as part of the Navy's SINKEX program. Accordingly, the EPA is denying your request to initiate a proceeding for the initiation of rulemaking under TSCA. The Agency will publish its reasons for this denial in the Federal Register. The Agency will address the MPRSA components of this submission in a separate action.

If you would like to discuss this matter further, please contact Wendy Cleland-Hamnett, Director of the Office of Pollution Prevention and Toxics. Wendy can be reached at 202-564-3810.

Sincerely,



James J. Jones  
Acting Assistant Administrator

Enclosure